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City of Palo Alto
Office of the Mayor and City Council

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October 16, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Daniel Phythyon, Chief
Wireless Telecommunications Bureau
1919 M Street NW
Washington, DC 20664

Re: Request for Stay Matter of Interstitial Channel Assignments
PR Docket 92-235 - "Refarming"

Dear Chief Phythyon:

As Mayor of the City of Palo Alto, California, I am writing to express concern about the Federal Communications Commission rules change, PR Docket 92-235, regarding interstitial channel assignments. The City of Palo Alto requests that the Commission stay the implementation of this rules change and clarify the rules to ensure that users not dedicated to public safety will not be allowed to license the interstitial channels in the UHF 480 "T" band. The City further requests that the Association of Public-Safety Communications Officials - International, Inc. (APCO) remain as the primary coordinator of frequencies for public safety within this band.

The City of Palo Alto is licensed to operate on a two channel conventional Public Safety radio system in the UHF 480 MHz "T" (television) band. In addition, Santa Clara County, California Communications operates a Law Enforcement Mutual Aid radio system in the UHF 480 MHz "T" band which serves all cities and unincorporated areas within the County. Many other cities also operate similar primary and secondary public safety systems in the UHF 480 "T" band.

The FCC adopted a rules change, PR Docket 92-235 which will become effective on October 17, 1997, unless a stay is initiated. This "refarming" action impacts the channels in the 470-512 MHz "T" band. In all other portions of the spectrum below 512 MHz, there are "block" allocations with specific blocks dedicated to public safety

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P.O. Box 10250
Palo Alto, CA 94303
415.329.2477

Daniel Phythyon

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and others to non-public safety users. In the 470-512 MHz band the FCC has inserted a 12.5 kHz channel immediately adjacent to a public safety user.

APCO has filed a Petition for Clarification with the Commission. Included is a request that all new channels adjacent to existing public safety allocations be limited to public safety use. The City of Palo Alto supports this request, given the inherent differences in purpose and practice between public safety and non-public safety radio systems users.

Frequency congestion is a serious challenge in the San Francisco Bay area and public safety communications needs often exceed the availability of channels. The APCO frequency coordinators do an excellent job of overseeing the frequency assignment process. While a high degree of integrity exists between public safety coordinators, this relationship does not exist with non-public safety coordinators. The non-public safety coordinators often make recommendations based on introducing a degree of destructive interference due to the non-critical use of their channels. While non-public safety users accept interference, public safety users do not because lives can depend upon their ability to communicate in an interference-free environment.

APCO attempts to coordinate all requests in a manner that would not result in destructive interference to existing licensees. Conversely, most non-public safety applicants desire to obtain a broader coverage area, both to increase customer base and to accommodate a fleet of wide-range mobile units. These methodologies are not compatible and would place public safety at a disadvantage.

The only protection existing public safety users have is the frequency coordination process. APCO has been at the forefront of this effort for many years and virtually all of the existing public safety "T" band licenses have been successfully coordinated by APCO.

Our City has considerable concern with the implementation of the adopted rules change, PR Docket 92-235, which allows the pool of interstitial channels be opened to non-public safety users. The City of Palo Alto requests that the Commission stay their recent action and clarify the rules to ensure that non-public safety users will not

Daniel Phythyon

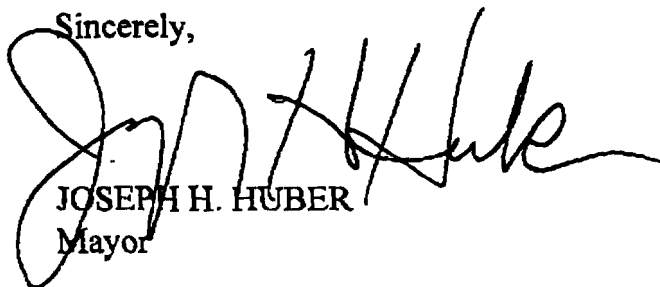
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be allowed to license the interstitial channels in the UHF 480 "T" band and that APCO remain as the primary coordinator of frequencies for public safety within this band.

We thank you for your prompt consideration of our views on this important issue.

Sincerely,



JOSEPH H. HUBER
Mayor

JH/JB/AS

cc: Senator Diane Feinstein
Senator Barbara Boxer
Congresswoman Anna Eshoo

City of Palo Alto
Office of the Mayor and City Council

October 16, 1997

Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20664

Re: Request for Stay Matter of Interstitial Channel Assignments
PR Docket 92-235 - "Refarming"

Dear Chairman Hundt:

As Mayor of the City of Palo Alto, California, I am writing to express concern about the Federal Communications Commission rules change, PR Docket 92-235, regarding interstitial channel assignments. The City of Palo Alto requests that the Commission stay the implementation of this rules change and clarify the rules to ensure that users not dedicated to public safety will not be allowed to license the interstitial channels in the UHF 480 "T" band. The City further requests that the Association of Public-Safety Communications Officials - International, Inc. (APCO) remain as the primary coordinator of frequencies for public safety within this band.

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The FCC adopted a rules change, PR Docket 92-235 which will become effective on October 17, 1997, unless a stay is initiated. This "refarming" action impacts the channels in the 470-512 MHz "T" band. In all other portions of the spectrum below 512 MHz, there are "block" allocations with specific blocks dedicated to public safety

Reed Hundt

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and others to non-public safety users. In the 470-512 MHz band the FCC has inserted new 12.5 KHz interstitial channels between all of the existing 25 KHz spaced channels. This recent action also places all of these channels into a common pool. This means that industrial and other non-public safety applicants have equal rights to a 12.5 KHz channel immediately adjacent to a public safety uses.

APCO has filed a Petition for Clarification with the Commission. Included is a request that all new channels adjacent to existing public safety allocations be limited to public safety use. The City of Palo Alto supports this request, given the inherent differences in purpose and practice between public safety and non-public safety radio systems users.

Frequency congestion is a serious challenge in the San Francisco Bay area and public safety communications needs often exceed the availability of channels. The APCO frequency coordinators do an excellent job of overseeing the frequency assignment process. While a high degree of integrity exists between public safety coordinators, this relationship does not exist with non-public safety coordinators. The non-public safety coordinators often make recommendations based on introducing a degree of destructive interference due to the non-critical use of their channels. While non-public safety users accept interference, public safety users do not because lives can depend upon their ability to communicate in an interference-free environment.

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The only protection existing public safety users have is the frequency coordination process. APCO has been at the forefront of this effort for many years and virtually all of the existing public safety "T" band licenses have been successfully coordinated by APCO.

Our City has considerable concern with the implementation of the adopted rules change, PR Docket 92-235, which allows the pool of interstitial channels be opened to non-public safety users. The City of Palo Alto requests that the Commission stay their recent action and clarify the rules to ensure that non-public safety users will not

Reed Hundt

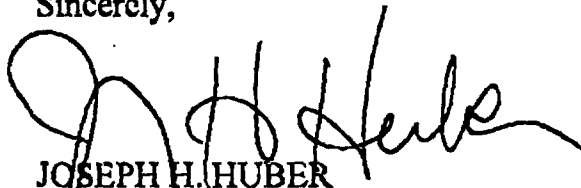
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be allowed to license the interstitial channels in the UHF 480 "T" band and that APCO remain as the primary coordinator of frequencies for public safety within this band.

We thank you for your prompt consideration of our views on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Huber", written over the printed name.

JOSEPH H. HUBER
Mayor

JH/JB/AS

cc: Senator Diane Feinstein
Senator Barbara Boxer
Congresswoman Anna Eshoo